IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No. 252 of 2001.

Date of decision: June 1, 2007.

Kumari Suniti ….**Petitioner.**

Versus

H.P.University and another ….**Respondents.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1]

For the Petitioners:	**Mr. Suneet Goel, Advocate.**
For respondent No. 1	**Mr. S.R.Sharma, Advocate.**
For respondent No. 2	**Mr. Lovnesh Kanwar, Advocate.**

Dev Darshan Sud, J. (Oral).

The petitioner has approached this Court under Article 226 of the Constitution of India with the prayer that the result of the petitioner of B.A. (I) examination held in April 1998 be declared and the examination of Uttar Madhyama which she had qualified from Sampurna Nand Sanskrit Vishwavidyalaya, Varanasi, be treated equivalent to Intermediate i.e. 10+2 system of examination and directions be issued to the University to hold the meeting of the Equivalence Committee for this purpose.

The facts necessary for the decision of this writ petition are that petitioner is a resident of Village Babkarpur, P.O. Kant, District Shajhanpur, Uttar

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[1] *Whether reports of Local Papers may be allowed to see the judgment?*

Pradesh and passed the Uttar Madhyama Examination from Sampurna Nand Sanskrit Vishwavidyalaya, Varanasi, (Uttar Pradesh) (which was earlier known as Varanasi Sanskriti Vishwavidyalaya), in the year 1997. Petitioner submits that after qualifying this examination, she sought admission in B.A.(I) in Rajkiya Kanya Maha Vidyalaya, Shimla in August, 1998. She was admitted to the B.A.(I) Course and appeared in the examination held in the month of April, 1999. The case of the petitioner is that the Principal of the college where she was studying issued a letter to her (Annexure P-1) issued on the basis of a communication received from the Controller of Examinations, Himachal Pradesh University, Shimla, stating that she was ineligible to appear in B.A.(I) examination, as her 10+2 equivalence certificate had not been attached with the examination form. The petitioner alleges that thereafter she personally met the Controller of Examination of respondent No. 1 and submitted Office Memorandum (Annexure P-2), issued by the Ministry of Personnel, P.G. & Pension (Department of Personnel & Training). This Memorandum was dealing with the Recognition of Examinations conducted by Rashtriya Sanskrit Sansthan, New Delhi, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, Sampurnanand Sanskrit Vishwavidyalaya, Varanasi. The Memorandum states:

" (Copy)
Ministry of Personnel,
P.G. & Pensions,
(Department of Personnel & Training)

New Delhi, 21st November, 1990.

OFFICE MEMORANDUM

Subject: Recognisation of Examination conducted by Rashtriya Sanskrit Sansthan, New Delhi, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, Sampurnanand Sanskrit Vishwavidyalaya, Varanasi.

The Government have from time to time issued orders recognizing Sanskrit Examination conducted by different institutions for the purpose of employment under the Central Govt. A consolidated list of such examinations are recognized so far for the purpose of employment under the Central Govt. is as under:

Sampurnanand Sanskrit Vishwavidyalaya, Varanasi (formerly Varanaseya Sanskrit Vishwavidyalaya, Varanasi which has been renamed as Sampurnanand Sanskrit Vishwavidayalaya w.e.f.14.12.1974.	(i) Purvamadhyama (with English) or old Khand Madhyama (first 2 years course) and special examination in additional subject with English as one of the subjects. (ii) Uttar Madhyama (with English) or old Khand Madhyama (full 4 years course) or Sampurna Madhyama Examination in additional subjects in each case with English as one of the Subjects.	High School Examination. Intermediate Examination.	DP&T O.M.No. F.6(17) 63-Estt. (D) dt. 29.11.69

	(iii) Shastri (with English) or old shastri Examination with special examination in additional Subjects with English as one of the subjects, i.e. Varishta Shastri.	B.A. Degree	

This was sufficient proof of the Examination being equivalent to that of +2 or Intermediate. Petitioner submits that her case was recommended by the Chairman of O.T.Board, (Sanskrit Department) to the Himachal Pradesh University, but of no avail.

The petitioner instituted a suit for injunction in the Court of Senior Sub Judge, Shimla, praying for a decree restraining the University from withholding her Roll Number etc. The Assistant Registrar who appeared in the Court, stated that a provisional roll number was being issued to the petitioner and hence suit became infructuous. The petitioner further states that despite repeated representations having been made by the respondents, her case was not considered in its true perspective.

The Himachal Pradesh University resisted the petition on a number of grounds. The basic defence taken by the respondents is that despite communications having been addressed to the University from where the petitioner had passed Uttar Madhyama, no response was received. It is also the case of the respondents that

equivalence cannot be granted in the absence of any response unless the queries and material asked for is provided by the Sampurnanand Sanskrit Vishwavidyalaya t the respondents.

I have heard the learned counsel for the parties and gone through the record.

A supplementary affidavit was filed by the petitioner in which Annexure P-19 addressed to the petitioner was annexed, stating that the examination which the petitioner had qualified from the Sampurnanand Sanskrit Vishwavidyalaya had been treated equivalent to the Pre University Examination of the Himachal Pradesh University.

My attention has also been invited to a communications addressed to the Vice Chancellor of the Himachal Pradesh University by the *Sahayak Kul Sachiv (Shiksha)* (Assistant Vice Chancellor Academic) in which the case of the petitioner had been recommended for recognition of the examination which she had passed.

Counsel appearing for respondent No. 2 has also drawn my attention to a number of communications exchanged between the Himachal Pradesh Board of School Education and the Sampurnanand Sanskrit Vishwavidyalaya asking them to place on record material to assist the Board to decide on the question of equivalence.

Without going into the other points which have been urged before me and considering the fact that career of a young student, who has been knocking the

doors of this Court, is involved and the petition has been pending for the last eight years, I deem it fit and proper to issue the following directions:

i) Respondents 1 and 2 will take a decision on the question of equivalence of the examination passed by the petitioner from Sampurnanand Sanskrit Vishwavidyalaya. They will keep in mind the Memorandum (Annexure P-2) which has been issued by the Department of Personnel and Training and will not take rigid stand on their purported independence to decide independently. Of course, the statutory requirements, if any, will be kept in mind by them.

ii) Respondent No. 1 will keep in mind letter (Annexure P-19) which was issued by their Assistant Registrar.

iii) Respondents 1 and 2 for this purpose, will immediately refer the entire matter to the Registrar of the Sampurnanand Sanskrit Vishwavidyalaya, Varanasi alongwith all the documents and letters appended with the petition and the other communications from the record calling him upon to provide material for the purpose of taking decision on equivalence. Since the Sampurnanand Sanskrit Vishwavidyalaya has not been impleaded as a party respondent, the petitioner is directed to ensure that adequate material is provided to the Sampurnanand Sanskrit

Vishwavidyalaya so that response to the communications of respondents 1 and 2 is sent.

iv) The decision will be taken by the respondents within eight weeks from today in accordance with the Ordinances of the University.

This writ petition is disposed of accordingly.

June 1, 2007 (PC). (Dev Darshan Sud), J.